

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

CHRISTOPHER S. MILAM,

Plaintiff,

2:16-CV-06002

vs.

NANCY BERRYHILL, ACTING
COMMISSIONER OF SOCIAL
SECURITY;

Defendant,

ORDER

By Memorandum Opinion and Order (Doc. No. 26) entered by Chief Judge Robert C. Chambers, Chief Judge Chambers granted Defendant's Partial Motion to Dismiss (Doc. No. 14) leaving only one issue left to be decided, namely whether the Commissioner's final decision is "not supported by sufficient evidence). (Doc. No. 26. at p. 2). Chief Judge Chambers then referred the remaining matter to the undersigned magistrate judge pursuant to the Clerk's Order (Doc. No. 22).

Therefore, the Commissioner shall file her Answer to the remaining cause of action and a certified copy of the Transcript of the administrative proceedings on or before **May 30, 2017**. Pursuant to Rule 9.4 of the Local Rules of Civil Procedure for the Southern District of West Virginia, Plaintiff's Brief in Support of Complaint shall be filed and served no later than 30 days after the filing of the administrative transcript. Accordingly, it is hereby **ORDERED** that Plaintiff's Brief shall be filed on or before **June 30, 2017**. Plaintiff is hereby notified that failure to file a Brief may result in dismissal of this action for failure to prosecute.

The Clerk is directed to send a copy of this Order to Plaintiff and counsel of record.

ENTER: March 29, 2017



Omar J. Aboulhosn
United States Magistrate Judge